

**REPLY UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 2100**

Practitioner's Docket No. 1585

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Steve Dispensa et al.
Application No.: 09/981,165
Filed: 10-17-2001
For: REMOTE MONITORING INFORMATION MANAGEMENT

Confirmation No.: 7084
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Examiner: Ashokkumar B. Patel

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RESPONSE TO FINAL OFFICE ACTION

Introductory Comments

In response to the final Office action dated March 6, 2007 (hereinafter “the Office action”), please consider the following remarks. As this response is being submitted within two months of the date of the final Office action, the Applicant respectfully contends that the extension of time policy set forth in 37 C.F.R. § 1.136(a) and MPEP § 714.13 pertaining to responses to final rejections applies to this response.

Amendments to the Claims

1. (Previously Presented) A method of operating a Remote Monitoring (RMON) management system, the method comprising:
 - generating and transmitting a first instruction for an RMON probe to request a first portion of RMON information;
 - receiving and storing the first portion of the RMON information in memory in the RMON management system;
 - generating and transmitting a second instruction for an RMON manager configured to access the RMON probe to request a second portion of the RMON information;
 - receiving and storing the second portion of the RMON information in the memory in the RMON management system;
 - generating and transmitting a third instruction for an RMON database configured to be accessed by the RMON manager to request a third portion of the RMON information; and
 - receiving and storing the third portion of the RMON information in memory in the RMON management system.
2. (Original) The method of claim 1 wherein the RMON information comprises datalink layer information.
3. (Original) The method of claim 1 wherein the RMON information comprises application layer information.
4. (Original) The method of claim 1 wherein the RMON information is based on a media access control address.
5. (Original) The method of claim 1 wherein the RMON information comprises a number of users.
6. (Original) The method of claim 1 wherein the RMON information comprises a number of bytes transmitted.

7. (Original) The method of claim 1 wherein the RMON information comprises download speed.

8. (Original) The method of claim 1 wherein the RMON information comprises bits per second.

9. (Previously Presented) A software product for managing a Remote Monitoring (RMON) system, the software product comprising:

RMON management software operational when executed by a processor to direct the processor to generate and transmit a first instruction for an RMON probe to request a first portion of RMON information, receive and store the first portion of the RMON information in memory in a performance management system, generate and transmit a second instruction for an RMON manager configured to access the RMON probe to request a second portion of the RMON information, receive and store the second portion of the RMON information in the memory in the performance management system, generate and transmit a third instruction for an RMON database configured to be accessed by the RMON manager to request a third portion of the RMON information, and receive and store the third portion of the RMON information in memory in the performance management system; and

a software storage medium operational to store the RMON management software.

10. (Original) The software product of claim 9 wherein the RMON information comprises datalink layer information.

11. (Original) The software product of claim 9 wherein the RMON information comprises application layer information.

12. (Original) The software product of claim 9 wherein the RMON information is based on a media access control address.

13. (Original) The software product of claim 9 wherein the RMON information comprises a number of users.

14. (Original) The software product of claim 9 wherein the RMON information comprises a number of bytes transmitted.

15. (Original) The software product of claim 9 wherein the RMON information comprises download speed.

16. (Original) The software product of claim 9 wherein the RMON information comprises bits per second.

17. (Previously Presented) A Remote Monitoring (RMON) management system, the RMON management system comprising:

a processor configured to generate and transmit a first instruction to request a first portion of RMON information, receive and store the first portion of the RMON information in memory in the RMON management system, generate and transmit a second instruction to request a second portion of the RMON information, receive and store the second portion of the RMON information in the memory in the RMON management system, generate and transmit a third instruction to request a third portion of the RMON information, and receive and store the third portion of the RMON information in memory in the RMON management system; and

an interface connected to the processor and configured to transfer the first instruction from the processor to an RMON probe, transfer the first portion of the RMON information from the RMON probe to the processor, transfer the second instruction from the processor to an RMON manager configured to access the RMON probe, transfer the second portion of the RMON information from the RMON manager to the processor, transfer a third instruction from the processor to an RMON database configured to be accessed by the RMON manager, and transfer the third portion of the RMON information from the RMON database to the processor.

18. (Original) The RMON management system of claim 17 wherein the RMON information comprises datalink layer information.

19. (Original) The RMON management system of claim 17 wherein the RMON information comprises application layer information.

20. (Original) The RMON management system of claim 17 wherein the RMON information is based on a media access control address.

21. (Original) The RMON management system of claim 17 wherein the RMON information comprises a number of users.

22. (Original) The RMON management system of claim 17 wherein the RMON information comprises a number of bytes transmitted.

23. (Original) The RMON management system of claim 17 wherein the RMON information comprises download speed.

24. (Original) The RMON management system of claim 17 wherein the RMON information comprises bits per second.

Remarks

Claims 1-24 remain pending in the application and stand rejected. No claims are amended herein. The Applicant respectfully traverses the rejections and requests allowance of claims 1-24.

Claim Rejection Under 35 U.S.C. § 102

Claims 1-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,216,169 to Booman et al. (hereinafter “Booman”). (Page 2 of the Office action.) The Applicant respectfully traverses the rejection in view of the following discussion.

Method claim 1 is reproduced below for convenience, with emphasis supplied:

1. A method of operating a Remote Monitoring (RMON) management system, the method comprising:
generating and transmitting a first instruction *for an RMON probe* to request a first portion of RMON information;
receiving and storing the first portion of the RMON information in memory in the RMON management system;
generating and transmitting a second instruction *for an RMON manager configured to access the RMON probe* to request a second portion of the RMON information;
receiving and storing the second portion of the RMON information in the memory in the RMON management system;
generating and transmitting a third instruction *for an RMON database configured to be accessed by the RMON manager* to request a third portion of the RMON information; and
receiving and storing the third portion of the RMON information in memory in the RMON management system.

Independent software product claim 9 and independent system claim 17 incorporate similar provisions. Fig. 23 provides a graphical representation of an example of such a system in which an RMON probe 2210, an RMON manager 2220 configured to access the RMON probe 2210, and an RMON database 2230 configured to be accessed by the RMON manager 2220 each receive instructions from, and send different portions of RMON information to, a management system (i.e., the market performance management system 430 of Fig. 23).

Generally, Booman discloses “techniques for processing data stored in multiple

workstations in order to generate and display information desired by a user, i.e., generate a report. In response to a request, each of the workstations identifies data relevant to the report and processes that data. Then, one of the workstations, or a separate workstation, receives and consolidates all of the processed data and generates the report.” (Column 1, lines 52-59.) More specifically, Booman indicates with respect to the network 10 of Fig. 2 that “[t]he data recorded by the probes in portion 20 of the network is periodically (e.g., every 10 minutes) polled and stored in remote workstation 22. Similarly, data recorded by other probes in the network are polled and stored by other remote workstations located in other portions of the network.” (Column 7, lines 4-9.) Further, a master workstation requests the data stored at one or more of the remote workstations, each of which may process the data before sending it to the master workstation. (Column 4, lines 23-40.) Further, any workstation in the network may be a master workstation, a remote workstation, or both, depending on the role it plays in the process described above. (Column 4, lines 40-46.)

The final Office action indicates that Booman teaches each of the limitations of claim 1, as well as those of claims 7 and 19. (Pages 5-8 of the final Office action.) In addition, in its “Response to Arguments” section, the final Office action presents further discussion by presenting additional passages of Booman for support. (Pages 3-5 of the final Office action.) The Applicant thanks the Examiner for his efforts.

More specifically, the final Office action identifies the Booman remote workstation (which may also be employed as a master workstation, as described above) as the RMON manager of claim 1. (Page 4 of the final Office action.) Further, the probes which are polled for data by the Booman workstations are identified as the RMON probes of claim 1. (Id.) Additionally, the database 160 of the Booman workstation of Fig. 4 is identified as the RMON database of claim 1. (Id.) As discussed above, Booman indicates that a remote workstation may poll a probe and thereafter receive data from the probe, and that a master workstation may then request and receive that information from the remote workstation. However, the Applicant respectfully traverses the rejection, as Booman does not teach or suggest a master or remote workstation sending instructions requesting information to each of *an RMON probe, an RMON manager configured to access the (same) RMON probe, and an RMON database configured to be accessed by the (same) RMON manager*, as provided for in claims 1, 9 and 17.

For example, while a remote workstation in Booman can instruct a probe to return

information it possesses, Booman does not teach or suggest that the same remote workstation (even if operating as a master workstation) also sends instructions for RMON information to *another remote workstation* configured to access *the same RMON probe* being accessed by the requesting workstation. Further, such an arrangement would be counterintuitive, as a Booman workstation configured to poll a probe for information directly would not likely request the same information captured by the same probe from another workstation.

In addition, Booman does not teach or suggest generating and transmitting an instruction for an RMON database to request RMON information, and receiving and storing that information in a memory within the requesting system, as provided for in claims 1, 9 and 17. For example, Booman does not teach or suggest that a remote workstation (even if operating as a master workstation) sends instructions to its own database 160, shown in Fig. 4, for information that is then stored in another memory in the same workstation. For a workstation to retrieve data from its own database and store it in another memory within the workstation would at least be an inefficient use of memory resources.

Also, Booman does not teach or suggest that a workstation sends instructions requesting information from a database residing within *another* workstation. Instead, the workstation sends instructions to *other workstations*, which *in turn* retrieve information from their own databases and process that information for transmission to the requesting workstation, as described above. Booman does not teach or suggest sending separate instructions for information to both other workstations and the databases contained therein.

Thus, for at least the reasons discussed above, the Applicant contends claims 1, 9 and 17 are allowable in view of Booman, and such indication is respectfully requested.

In addition, claims 2-8 depend from independent claim 1, claims 10-16 depend from independent claim 9, and claims 18-24 depend from independent claim 17, thus incorporating the limitations of their corresponding independent claims. Thus, the Applicant asserts that claims 2-8, 10-16 and 18-24 are allowable for at least the reasons given above in support of independent claims 1, 9 and 17, and such indication is respectfully requested.

Therefore, in view of the foregoing discussion, the Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of claims 1-24.

Conclusion

Based on the above remarks, the Applicant submits that claims 1-24 are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Applicant thus respectfully requests allowance of claims 1-24.

The Applicant believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765.

Respectfully submitted,

Date: 05/04/2007

/Kyle J. Way/

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